

Village of Camillus
Special Meeting
April 30, 2012

Present: Mayor Patricia J. Butler
Trustee James Palumbo (late)
Trustee Ann Eckert
Trustee Timothy Stapleton
Trustee Bridget Yule

Attorney: Robert J. Allan

16 people in attendance

Mayor Butler continues the Public Hearing 7:00 p.m. by leading the “Pledge of Allegiance”.

Mayor Butler stated this is a continuation of the Public Hearing for 20 Genesee Street for Rome Gas.

Attorney Allan presented a draft of a resolution based on what he thought the consensus of what he thought the Board wanted. It contained the conditions that the Board and the applicant had been discussing. Mr. Tal has responded with a couple of communications about some of the working in the resolution.

Mr. Tal addressed the Board with the following suggestions for the conditions for the Special Permit as follows:

1. Employee Parking – Mr. Tal stated he would like to have 2 maximum parking spaces for the employees so they do not have to park on the street. This would leave 12 spaces for other purposes.

3. They will remove the island mound on the New port Road and the Genesee Street exit because Barton & Loguidice recommended this and also install a “NO LEFT TURN” when exiting to Newport Road.

7. The resolution stated trash pickup should be from 9 a.m. to 12 noon. Mr. Tal stated he has no control over this situation. Trustee Stapleton stated the issue with trash is noise and congestion. Trustee Palumbo stated he would like “none peak hours”. Mr. Tal said he can put a request into the trash hauler to pick up during daytime non-peak hours and not to create potential noise issues or traffic congestion. Mr. Tal stated that his trash pick up will be only one day a week.

8. Mr. Tal stated that the resolution states no snow removal after 10:00 p.m. and not before 7:00 a.m. Most snow removal is at night when there are no vehicles on the site.

9. “No fresh food preparation restaurant shall be allowed except for one retail sandwich shop such as Subway shall be allowed”. Mr. Tal thinks it should not be just one, he may decided he wants to go with a coffee program. He may want to have a Tim Horton for breakfast with fresh coffee and donuts. He is not saying he is going to do this, but he would want to have the option. He may want to prepare fresh food on site. Attorney Allan stated he thought originally the consensus of the Board was to limit the fresh food operation whether it is in square footage. Mr.

Tal stated they would use the same counter space. Attorney Allan stated that this is going to be a retail store with limited fresh food. You will not be able to have tables and chairs, you will not be able to convert this to a restaurant. Trustee Yule stated that she has no problem with this. This would be like a coffee express. They just basically supply the coffee and the cups. Trustee Palumbo stated he does not see this as a destination; people would not come just to buy coffee, this is just a convenience to the customers. Mr. Tal stated if one type of food does not work he would like the option to change. Attorney Allan stated that you always have to option to come back to the Board and change the conditions of the Special Permit. Mr. Tal would like the condition to say "fast food" and it would cover everything. Mr. Tal stated that Subway would take about 900 sq. ft. of space. The total sq. ft. is 2,370. Attorney Allan stated the Board could limited the size of the food portion of the building to no more than 50% of the total sq. ft.

Attorney Allan stated originally this was presented as a gas station and convenience store so people in the Village can get milk and bread with a "Subway Shop". The Board should not leave the door opened so the owner can change to whatever purpose, whenever he wants. He would have to come back to the board for a change. The Board can limit the food portion of the building to the size dedicated just for food.

Trustee Palumbo stated in his opinion if Mr. Tal is closing the retail end of the business and opening up a restaurant then he would have to come back to the Board to get a permit. If they have to look at it differently, for example Mr. Tal can expand the food portion of the building up to 1,500 sq. ft. without a permit may help. Trustee Palumbo stated that Mr. Tal has a small footprint for the building now and he can not see where Mr. Tal will be changing his plans for at least the next 2 years to see how the business goes. Trustee Stapleton stated he feels a percentage of the footprint dedicated to food is a good idea. Attorney Allan stated that the Ad Hoc Committee that was appointed by this Board put the condition that this food business should be limited to something like Subway. He read the following from the Ad Hoc Committee's March 19 recommendations: "Village will reserve the right to review any changes in the food service operations if the Subway franchise fails, is changes, or removed and replaced with another foods type or related franchise, locally/regionally owned, or owner operated foods type service." They did not want Mr. Tal to be able to change the fast food portion with out approval. Trustee Yule stated that this is not the same thing, if Mr. Tal already has counter space and he wants to put self serve coffee carafes in this space she does not have a problem. Mr. Tal is going to go to one of his store and determine how much space he will need for the fast food portion of the building. He thought a little more than 900 sq. ft.

Mayor Butler stated Mr. Tal mentioned making donuts. That requires a completely different set up. You have gone from making fresh sandwiches to now frying donuts. We have agreed to a Subway, then coffee, now you are talking about making donuts. Mr. Tal stated he does not want to be limited to hours of operations, he may want to make breakfast sandwiches at 3:00 a.m. He would like to serve coffee all day. Mayor Butler stated if the sandwiches are pre made and in the refrigerator and a customer comes in and microwaves the sandwich and gets a cup of coffee that is fine.

Trustee Yule mentioned that the Board did not limit Dick Kirk as to the size of his restaurant. He did not have to come back to the Board when he expanded with his decks. Attorney Allan

stated that the ABC Liquor Authority requires that Mr. Kirk has to come back to the Board every two years for review.

Attorney Allan stated that he thought that the fresh food sandwich shop was limited to 5:00 a.m. to 10:00 p.m. Trustee Palumbo stated he feels Mr. Tal should be able to make fresh food sandwiches 24 hours a day. Things have changed. Mr. Tal stated he will have Attorney Allan speak with his attorney to get the correct language that everyone can agree upon.

Mr. Tal questioned the conditions for lights and noise and that the Village Board may review these conditions annually. For example when he purchases the lights for \$30,000 and the Village changes the conditions he does not want to purchase new lights. His lights conform to the guidelines and it would be unfair if he has to purchase new lights. Also, the same for him conforming to the guidelines for the decibel levels.

Trustee Yule stated that the Village Board wants to review the operation after one year of operations to see if there may be any issues or problems. They want to see if there are complaints. That is the same thing the Board did with Dick Kirk with his outside decks. Then Mr. Tal can tweak the operation.

Attorney Allan stated that since the Board is not going to vote tonight he will be able to have some more conversation with Mr. Tal's attorney. Trustee Yule stated this is a new project with some controversy, a larger building than was there and this project was recommended to be rejected by the Onondaga County Planning Board. This Board will have some control, if objections come in, they can address the objections.

Attorney Allan stated that in #17 this comment wants to be limited to what's in writing.

Attorney Allan stated that Mr. Tal provided a letter dated April 30, 2012 with his concerns.

Mayor Butler asked if the Board had any further questions. There were none.

Mayor Butler asked if the Public had any questions. Mr. Tom Bernardi, 204 Timber Ridge Drive, asked if anyone considered the building next to the gas station and then give Mr. Tal enough land. Attorney Allan stated the Village would have to buy the building. The Village can not take one property in order to assist another individual. The two people can strike a deal.

Mr. Jim Bye, 12 First Street, his main concern is the noise. He is worried about the car wash. The noise may be in the decibel level but it is still loud.

Ms. John Wise, 4 Green Street, wanted to influence the Board to not let this proposal go through as written. She walked around the property. She feels the traffic is going to be congested. She stated if you take the buffer from the back of the property you are doing the people on First Street a big disservice. Ms. Wise stated bigger is not always better. Build a smaller store and have tables so people can get a cup and sit and drink coffee. The congestion from the traffic will be terrible.

Upon motion of Mayor Butler, seconded by Trustee Yule and unanimously approved the Board

continues the Public Hearing until May 7, 2012 at 7:00 p.m.

Mayor Butler stated that Rod Holbrook Construction gave her a quote to go onto the rear portion of the roof and try to determine where the problem exists. It may be a minor fix. The cost for this diagnostic would be \$200.00. It may be more to repair the roof. He thinks the rest of the roof is in good shape. Trustee Yule feels it would be worth it to see what is wrong.

The Board wants Mayor Butler to get clarification of Rod Holbrook's diagnostic visit.

Upon motion of Mayor Butler, seconded by Trustee Stapleton and unanimously approved the meeting adjourned at 8:20 p.m.

Sharon Norcross
Village Clerk/Treasurer